

**MINUTES OF SPECIAL CITY COUNCIL WORKSHOP  
CLOUDCROFT, NEW MEXICO  
JULY 25-27, 2014**

Mayor Phillip Burch called the special meeting of the Artesia City Council to order at 12:15 p.m. on July 25, 2014, with the following City Officials present:

Councilor Jose Luis Aguilar	Councilor Bill Rogers
Councilor Kent Bratcher	Councilor Nora Sanchez
Mayor Pro tem Terry Hill	Councilor Jeff Youtsey
Councilor Manuel Madrid Jr.	
Municipal Judge Richard Martinez	

City Clerk Aubrey Hobson  
Human Resource Director Bill Thalman  
Fire Chief J.D. Hummingbird  
Community Development Director: Jim McGuire  
Infrastructure Director Byron Landfair  
Assistant City Clerk Lisa Johnston

Absent:

Councilor Raul Rodriguez  
Police Chief Don Raley (joined the meeting on 7-26-14 at 8:00 p.m.)  
City Attorney John Caraway (joined the meeting on 7-25-14 at 12:40 p.m.)  
(left the meeting on 7-26-14 at 3:00 p.m.)

It was determined that a quorum was present.

City Clerk Aubrey Hobson introduced Gini Turri, the Administrator Clerk-Treasurer for the Village of Cloudcroft who gave an official welcome to the Mayor and Council.

**Consent Agenda**

Councilor Aguilar requested that Councilor Rodriguez be added to the list of attendees for item 7-H. Mayor Pro tem Hill moved to approve the Consent Agenda with addition of Councilor Rodriguez as an attendee for item 7-H. The motion was seconded by Councilor Youtsey and upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: \*July 8, 2014 – Regular meeting
2. Consideration of Bids:
3. Contracts, Leases and Agreements:
  - A. \*Approval of Clarification of Lease Agreement with PSI, LLC – Municipal Airport Tract #120
4. Appointments:
5. Resignations:
  - A. Accept the resignation of Jon Perez, Water Technician, effective June 20, 2014

6. Dates of Hearing:
  - A. Permission to set a public hearing for August 12, 2014 for consideration of Sellcrow Holdings, LLC Replat, of Lots 2, & 4 of Block 2, Blair Addition, Section 17, T17S, R26E
  - B. Permission to set a public hearing for August 12, 2014 for consideration of Artesia Transfer Station Replat, Section 33, T16S, R26E
  - C. Permission to set a public hearing for August 12, 2014 for consideration of Industrial Park of Artesia Phase III, Replat of Tract A, Section 32, T16S, R26E
  - D. Permission to set a public hearing for August 25, 2014 to consider an ordinance for the 2014 Amendment to the Uniform Traffic Ordinance
7. \*Travel and Training:
  - A. Fire – Permission for one (1) employee to attend the EMT-Tactical course in Gilbert, AZ. Request actual expenses
  - B. F&A – Ratification of Mayor Burch's approval for one (1) employee to attend the NMML Resolutions Committee meeting in Albuquerque, NM. Request actual expenses
  - C. Planning – Ratification of Mayor Burch's approval for one (1) employee to attend an Asbestos Inspector Refresher training in Artesia, NM. Registration is the only cost
  - D. Commission on Aging – Permission for one (1) employee to attend the Line Dance Summer Celebration in Albuquerque, NM. Request actual expenses
  - E. Police – Permission for one (1) employee to attend the 2014 NM Homeland Security and Emergency Management conference in Albuquerque, NM. Request actual expenses
  - F. Planning – Permission for one (1) employee to attend the 2014 APA NM State Planning conference in Albuquerque, NM. Request actual expenses
  - G. Water – Permission for one (1) employee to attend the NM Utility Operator Certification exam in Albuquerque, NM. Request actual expenses
  - H. Recreation – Permission for two (2) employees to attend the NRPA Annual conference in Charlotte, NC. Request actual expenses
  - I. Recreation – Permission for two (2) employees to attend the NMRPA Annual conference in Las Cruces, NM. Request actual expenses
8. Use of Facilities (*approval contingent upon receipt of all applicable fees, license(s) and dept approvals*):
  - A. \*Artesia Mainstreet has requested approval to hold their Artesia Art Walk & Shop Hop and Chalk It Up Sidewalk Chalk concert on Saturday, September 20, 2014 from 8 am – 5 pm along Main Street between 1<sup>st</sup> - 7<sup>th</sup> Street
9. Routine Requests for City Facilities:
  - A. \*Our Lady of Grace Catholic Church has requested the use of Guadalupe Park on Saturday, September 27, 2014 from 11:00 am – 10:00 pm and Sunday, September 28, 2014 from 8:00 am – 6:00 pm. Request approval of use of city services and road closures as stated on application. *Contingent upon proof of security*
10. Budgeted Items:
11. Non-budgeted Items:
12. \*Payment of Bills

## Public Hearing

Mayor Burch declared the meeting open for public hearing for the following:

1. Consideration and approval of an ordinance approving the sale of real property with a value over \$25,000 (continued from July 8, 2014).

Mayor Burch reported that the agreement was still not finalized for the sale of the property and that the two options were to continue the public hearing again or to terminate the public hearing and open a new public hearing when the agreement of ready.

Councilor Aguilar moved to terminate this public hearing and reschedule a new public hearing when the sale agreement is finalized. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

### **Personnel**

Councilor Rogers, upon recommendation of the Mayor, and subject to successful completion of required pre-employment testing, moved to hire Amy Morrison to the position of Wastewater Assistant, at a salary to be determined with the approval of the salary survey. The motion was seconded by Councilor Youtsey and upon vote, the motion passed.

Councilor Rogers, upon recommendation of the Mayor, and subject to successful completion of required pre-employment testing, moved to hire Marcos Lopez to the position of Facilities Maintenance Technician, at a salary to be determined with the approval of the salary survey. The motion was seconded by Mayor Pro tem Hill and upon vote, the motion passed.

### **Public Safety**

#### **Fire**

Chief Hummingbird reported that they are still looking for a site for the training tower. A minimum of 4-5 acres will be needed for the tower and additional props. It was noted that the funds for the project have been rolled over to the 2014-15 budget.

Chief Hummingbird presented a proposal to change the Fire Dept. Shifts from 24 hours on/ 48 hours off to 48 hours on/ 96 hours off. This proposed schedule was developed several years ago for some of the larger departments and it would cut travel time for employees from 10 times to 5 times to work each month. In our area, Lovington went to this schedule in 2008, Carlsbad in 2010 and Roswell in 2014.

There would be some changes in the mandatory overtime and changes to the SOP to insure that shift-swapping does not become a problem. The only impact would be an annual increase of 6 hours overtime per employee, and increase the overtime budget for everyone by around \$3,000.

City Attorney John Caraway joined the meeting at 12:40 p.m.

Chief Hummingbird reported that the schedule change request has come from the firefighters themselves and that he and his department have been working on this for around 3 years.

**Action item:** refer this proposal to the Police and Fire Committee and place this item on the August 12<sup>th</sup> meeting agenda for consideration.

**City Clerk**

City Clerk Aubrey Hobson presented a resolution identifying the signees for the senior center grant program, Councilor Rogers moved to adopt this resolution, Resolution No. 1542. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

**RESOLUTION NO. 1542**

Councilor Rogers moved to approve the annual agreement with Southeastern NM Economic Development District for services, Resolution No. 1543. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

**RESOLUTION NO. 1543**

Mayor Pro tem moved to approve the Retreat Agenda as presented. The motion was seconded by Councilor Sanchez and upon vote, the motion passed.

Councilor Aguilar requested that the optional session on the Police Academy be presented Saturday afternoon, rather than Sunday Morning.

The meeting was turned over to Facilitator Hubert Quintana to conduct the retreat.

**Opening remarks by Participants**

Facilitator Hubert Quintana stated that the Council has had a lot of success doing this retreat and that great things have resulted. He continues to recommend this planning strategy to other communities and reported that several are starting to do retreats as well.

Each participant expressed their expectations for the weekend retreat. Most department heads stated that they were looking for direction for the coming year. Councilors stated that they wished to gain and share information to better lead the city. Most stated that they really enjoyed the weekend retreat meeting.

**Economic Development Report**

Economic Development Director Michael Bunt reported on the activities in 2013-14, stating that the Canyonstone Apartments on 26<sup>th</sup> and Richey are almost completely built and leased. The assisted living facility on 26<sup>th</sup> street is now open, as are two hotels (Comfort Suites and La Quinta) and the International House of Pancakes (IHOP) restaurant. The total dollar value of these new businesses is more than \$100 million and have added approximately 100 jobs to the area.

Mr. Bunt reported on projects that he is working on for future growth.

It was noted that the lack of affordable housing continues to be a problem for employers and potential businesses looking to locate in Artesia.

### **Jaycee Park Master Plan**

Infrastructure Director Byron Landfair presented the master plan for Jaycee Park. Mr. Landfair reported that the engineer was asked to design the entire park, so that all the infrastructure could be identified at the beginning. If everything on the first priority list is built, the total cost will be around \$15 million. The rest of the design was set up to work like a Chinese menu – to allow you to select what to build.

Mayor Burch stated that this master plan was a challenge to the Recreation Commission to devise a plan that used every square inch of the land. As a result, there is no place for such things as an outdoor amphitheatre for concerts – The plan does allow us to improve the park, so that the city can place infrastructure before projects.

Mr. Landfair reported that the intention at this time was to develop that master plan as a guide for future projects as funding becomes available.

Councilor Aguilar requested consideration for a bypass and an exit on the west side of the park.

Mayor Burch declared a recess at 2:30 p.m.  
Council reconvened at 2:45 p.m.

### **Housing Ordinance and Programs**

City Clerk Aubrey Hobson reported that he had made some changes to the draft ordinance and submitted it to the Mortgage Finance Authority (MFA) for their review. One of the proposed changes was to establish our programs by resolution rather than naming them in the ordinance. However, MFA rejected that draft and suggested some changes.

Mayor Pro tem Hill reported that locally it is difficult to find contractors to build \$190,000 homes, since they already have as much business as they can handle. It might be useful to bring together several of the major employers in the area and have them put their resources together.

Economic Development Director Michael Bunt reported that this issue is complicated in Eddy county due to income levels – it's a different economy here than in other locations in the state. Mr. Bunt stated that there were two issues to discuss – housing and affordable housing and recommended that the city hire a consultant who is expert on affordable housing.

Councilor Youtsey inquired why the conventional approach to housing isn't working in Artesia.

Mr. Bunt reported that subdivision development is a long term project – 15-20 years to put lots on the market. Because Artesia is considered to be an oil economy (a boom/bust economy), many of the developers are reluctant to start a project here. In addition, we're competing against Carlsbad and Hobbs, and with the \$10,000 per lot incentive in Hobbs, they will win over Artesia.

Mr. Bunt reported that Michael Buckholtz from Albuquerque is the authority on affordable housing projects and he would work on getting Mr. Buckholz to come to Artesia for a presentation.

Hubert Quintana stated that the Council of Governments will host the Mayors' Summit in Artesia in September and that a presentation by Mr. Buckholtz would be beneficial for all the area communities.

**Action Item:** Michael Bunt will work with Hubert Quintana to set this up.

Mayor Pro tem Hill stated that he had attended a luncheon where the president of Devon Energy gave a presentation talking about the expansion of the Permian Basin oil fields and that they were prepared to invest \$5 billion in these communities (Carlsbad, Hobbs and Artesia).

Community Development Director Jim McGuire reported that the city may need to look at its own zoning definitions and consider changes that would enable additional structures, such as "granny flats".

Mayor Burch stated that one of the problems is that the majority of the undeveloped land within the city belongs to a half dozen people. Yates Farm holds the most property, but has been hesitant to start their housing projects.

City Clerk Aubrey Hobson stated that it might be possible to go to HUD and discuss expanding the Housing Authority for more low income housing.

Mr. Bunt stated that Mr. Buckholtz is now working for the Eastern Regional Housing Authority and has a vested interest in many of these proposed projects.

Mr. Bunt reported on a proposed project the rehab the old Artesia Hospital into 60 rental units. The total estimate for the project is \$13 million and for the developers to get their maximum points on their application, the city would need to contribute \$1.3 million toward the project. The units, when completed, would be rented on a sliding scale based on income and number of people in the family. To affect this funding cycle, the city would need to adopt the ordinance for the funding by October or early November at the latest. There are some concerns on what the neighborhood thinks and that there may be a need to purchase that property up front.

Councilor Rogers stated a concern that if the city purchased the old hospital and the project falls through – the city would have to demolish the current structure at a cost of approximately \$1 million.

### **Discussion and possible action on the GRT court decision**

City Clerk Aubrey Hobson reported that the City of Eunice vs. Department of Finance and Administration (DFA) case has resulted in a favorable outcome for Eunice, however, DFA has filed for an appeal with the NM Supreme Court. Bill Fulginiti with the NM Municipal League is moving forward for a class action suit, if the decision is upheld.

City Attorney John Caraway stated that the Supreme Court has not yet decided to hear this case and if they turn the case down, the appeals court ruling will stand, and the city could file at that time.

Mayor Burch stated that if the city does sue the state and was successful in getting some of the money back, it may or may not allow DFA to go back to that taxpayer and get the money back from them.

Councilor Youtsey moved to recess the meeting at 4:07 p.m. until Saturday, July 26, 2014 at 8:00 a.m. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

The meeting reconvened on July 26, 2014 at 8:00 am.

The following members present:

Councilor Jose Luis Aguilar	Councilor Bill Rogers
Councilor Kent Bratcher	Councilor Nora Sanchez
Mayor Pro tem Terry Hill	Councilor Jeff Youtsey
Councilor Manuel Madrid Jr.	
Municipal Judge Richard Martinez	

City Clerk Aubrey Hobson  
Human Resource Director Bill Thalman  
Fire Chief J.D. Hummingbird  
Police Chief Don Raley  
Community Development Director: Jim McGuire  
Infrastructure Director Byron Landfair  
City Attorney John Caraway \*(left the meeting on July 26, 2014 at 3:00 p.m.)  
Assistant City Clerk Lisa Johnston

Absent:  
Councilor Raul Rodriguez

The meeting was turned over to Facilitator Hubert Quintana to continue the retreat.

### **Water Conservation Plan**

Infrastructure Director Byron Landfair reported that he had looked at what communities near us were doing for water conservation. Once the ordinance is done, the city will need to set up base conservation measures, such as establishing that odd addresses water on odd numbered days, even on even numbered days, prohibit free flowing water hoses, restrict watering between 10:00 a.m. and 6:00 p.m. unless you have newly seeded lawn, ask restaurants to provide water only on request, etc. The base restrictions would be from April 1<sup>st</sup> to September 30<sup>th</sup> each year.

Councilor Rogers suggested for simplicity, to eliminate the April to September and make the base restrictions a year-round requirement.

Mr. Landfair reviewed the three stages of water conservation. State 1 is triggered by a major system failure such as multiple pumps going down. With Stage 1 in place, we would restrict the filling of swimming pools, however pools that had been filled prior to April 1<sup>st</sup> would be allowed to add makeup water. Leaks will be required to be fixed within 5 days and the city would reduce the amount of fresh water that goes to the parks. The time for establishing new lawns would be reduced from 60 days to 45 days.

Councilor Youtsey inquired whether the base watering system would simply allow people with sprinkler systems to double the watering time, and not really save any water.

Mayor Burch reported that the other piece of the water conservation plan will be an escalation of water rates.

Mr. Landfair reported that without the ration pieces of the plan, the city would see approximately 10-15% reduction in water use.

Mr. Landfair reported that Stage 2 would be when there was more distress in the aquifer. Restrictions would include no filling of swimming pools and no makeup water, no city water for ornamental fountains or structures, no home car washes, commercial car washes would have restricted hours, and no new water meters for business without the full consent from Council. Under Stage 2, Industrial users would pay two times the rate they would normally be charged, leaks will be required to be fixed within 3 days, watering restrictions will take place in the parks, except for those parks watered with reuse water. Mr. Landfair noted that this may need to be reviewed, as the perception could be that the city was continuing to use “fresh” water to water parks.

Mr. Landfair reported that enforcement would be either the code enforcement officer or the police, and that the fine would start at \$100. After Stage 2, the Mayor will call an emergency meeting to continue Stage 2 or move to Stage 3. During the recent drought, the city’s water consumption was 85% of our allocated water rights, last year, it was 80%. In the worst part of the drought in 2012, if the ordinance had been in place, we would have been in Stage 1.

Mr. Caraway suggested that the phrase “full consent of the council” be changed to simply “consent of the council”.

Mr. Landfair reported that in Stage 3, all outdoor watering would be prohibited, both city and private, no pools filled with city water and no make-up water, no home car washes, commercial car washes would be restricted to 6 hours of operation per day, leaks would be required to be fixed within two days. New service could be either prohibited or could be like stage 2, with the consent of the council.

Mr. Hobson reported that outside users are users of city water and their contract states that they can be shut off, if the city needs the water.

Councilor Rogers inquired if the city got credit for the water that was discharged to the river and proposed considering putting all city parks on reuse.

Mr. Landfair reported that the most difficult parks to reach would be Jamaica and Davis Parks.



Councilor Rogers recommended that the city not discharge any water to the river and devise a program to capture everything.

Councilor Youtsey inquired whether we could solicit the NM Municipal League to help changed the rules so we got credit for our water discharge to the river.

**Action item:** Mayor Burch will contact the State Engineer regarding the possibility of getting credit for water discharged to the river.

**Action item:** Hold a town hall meeting to discuss the water conservation plan and its potential effects of citizens and businesses prior to the adoption of the ordinance. Mr. Landfair will coordinate.

### **Discussion of Utility Rates, Increases**

City Clerk Aubrey Hobson reported that while the city could raise approximately \$200,000 by raising water rates by 10%, there are ten different rate structures and several tiers and that the difference between one tier and the next is often only 7 cents per thousand gallons. Upon review, the city needs to raise rates for all utilities. Wastewater is the fund in most need of an increase, followed by Solid Waste. Water is the healthiest fund.

Mr. Hobson recommended reviewing the different rates and tiers and reducing the number of tiers to no more than 2-3.

Mayor Burch stated that Morningside has always received preferential pricing for water and that the city should look at charging them what the other outside users are charged.

Councilor Youtsey stated that the city needs to put the water conservation ordinance in place at the same time that rates are adjusted.

Councilor Aguilar stated that the rates need to be raised to make the fund self-sufficient. He also stated that there were too many categories and hoped that those could be simplified.

Councilor Rogers requested that an assignment is made to work on the rates and that the rates be adjusted at the same time that the water conservation ordinance is adopted.

Hubert Quintana reminded the participants that if the city asks for state funds or CDBG grant money, one of the first questions will be about the rates and the last time they were raised.

Mr. Hobson stated that that the city could work on water rates for this fall, and consider wastewater rates next year. He also suggested that the city could review one utility fund each year, which would provide for a review every three years for each utility fund.

Mayor Burch commented that the perfect time to change the rates would be in October, prior to the sewer averaging period and that October should be the target for getting everything done. Mayor

Burch also requested information for the Council on the average consumption, the average household bill, as well as the number of customers at the different rates/tiers.

**Action item:** Have the proposed rate increases and rate structure prepared for consideration at the first meeting in October. City Clerk Aubrey Hobson will coordinate.

### **Paws and Claws Animal Shelter Contract**

Chief Don Raley reported that the current contract with Paws and Claws for shelter operation expired on July 1<sup>st</sup>. The options for the Council are to go out for RFP for a shelter operator or for the city to take over the operation of the shelter.

Chief Raley reported that his department has recommended some changes to the language for the contract, to require that the contractor follow the city's nepotism policy, require the contractor to acquire safety hours each year and to have a minimal number of animal care education hours for each employee.

Mayor Burch inquired if our contract had stipulations for how the contractor disposes of animals once the animal leaves the facility with a rescue group.

It was also discussed whether the contractor should carry liability insurance on their operation.

Human Resources Director Bill Thalman warned that the city had to be careful which policies would be required by the contractor or they would be considered employees rather than contractors.

**Action item:** Direct staff to proceed with the RFP process for a contractor to operate the animal shelter.

Mayor Burch declared a short recess at 9:54 a.m.

Council reconvened at 10:15 a.m.

### **City Hall Annex**

Mr. Hobson reported that schematics for the two storied city hall annex were included in the handouts. The main floor will be for utilities and the planning department, with the administrative offices and council chambers on the second floor.

Mayor Pro tem Hill stated that the flow of traffic should enter from Texas and exit through the alley, rather than enter through the alley. It was also noted that there would not be a drive-up window for the utility department.

Mr. Thalman reported that the current council chambers would be converted to a training facility.

Mayor Burch noted that the design included several meeting rooms that may be converted to offices in the future. The IT department and Purchasing will be located in the existing City Hall.

Concerns were raised about the glass wall on the 5<sup>th</sup> Street side and potential heat problems.

Councilor Bratcher inquired if there would be sufficient parking for staff or will they have to use parking at the current city hall and walk to the new location.

Councilor Sanchez expressed concern about locating the council chambers on the second floor. It was noted that the occupancy for the new chambers would be 100, while the current chamber occupancy is 67.

Mr. Thalman reported that if there an unusually high turnout for a meeting, the new training facility at current city hall could be linked by technology and the overflow crowd could be housed there.

Mayor Burch stated that there was some room for growth in the new annex building, but that there would be plenty of room for growth in the reconfigured current city hall.

Chief Raley stated that once the building footprint is established, they would need to establish video surveillance for the building.

Mr. Hobson reported that the plan would be reviewed with the departments and be presented to Council at a later time. He also stated that the estimate for the building included new furnishings.

### **My Neighborhood**

Councilor Youtsey reported that there has been a lot of ground work done in the last several months. Mr. Diers spent four days in Artesia, met with many groups and put together a report of assets and weaknesses in Artesia. The main point is that the largest responsibility rests with the citizens who want the projects. After Mr. Diers' visit, the main purpose of the group will be to help these people get through the process to move their projects forward. So far they have been involved with 7024U and the Drug and Crime Coalition to get the My Neighborhood name out there. The largest hurdle has been on how to handle the financing and it is recommended that the group work through the Greater Artesia Foundation until such time that they acquire their 501(c)3 non-profit designation. Currently there is \$250,000 in the budget, but the organization would like to use \$50,000 for 2014-15 to get the non-profit status going and to handle incidental expenses.

Mayor Burch stated that after meeting with Jim Diers, he felt that this project could be doable, but that most of the emphasis should be for the neighborhood projects, and that with publicity – people can realize that they have an opportunity to get the cooperation of their neighbors to get projects done.

Councilor Sanchez stated that she supports this and has several ideas for working with the different neighborhoods for such things as community gardens, but that one of the first concerns will be vandalism, and hopefully if you work with the neighbors they will help protect the project.

Mayor Burch noted that the \$250,000 was already in a line item in the Community Development budget.

Mr. Hobson reported that for the first year, the city could fund the Greater Artesia Foundation for My Neighborhood in a manner similar to the other outside requests – the entity would prepare a proposal for services provided and a budget for how the money would be spent.

Mayor Burch recessed the meeting for lunch at 12:00 p.m.  
Council reconvened at 1:00 p.m.

### **Budget**

City Clerk Aubrey Hobson reported that after reviewing the math for the interim budget, the projected ending balance in the general fund would be \$14.6 million. Mr. Hobson reviewed several projects to determine if the project was completed or if the funds needed to be carried over to the 2014-15 budget.

Mayor Burch noted that the ending balance of \$14.6 million included \$3 million for the city hall annex.

Councilor Aguilar expressed concern that the city hall annex project required \$6 million, but the Council was only allocating the \$3 million estimated to be spent in 2014-15. He stated that he would be more comfortable allocating the entire amount at this time.

Mayor Pro tem Hill expressed concern about expending too much money in one budget cycle, and not having reserves available for projects that might come up during the year.

Mr. Hobson stated that if the council wished to maintain the reserve levels, they had approximately \$644,000 to allocate. One project could be the engineering for the Industrial Park (north 60 acres), by adding an additional \$200,000 to the funds in the industrial park line item. Since the My Neighborhood project only needs \$50,000 this year, the \$200,000 could be reallocated to this project.

Mayor Burch stated that the two items with time requirements would be the hospital project (\$1.3 million) and the swimming pool. Mayor Burch reported that he has an MOU drafted to the schools, with the cost for building at new pool at \$3.2 million from the city, \$2.4 million from the schools and rest from private sector.

Councilor Rogers stated that the hospital project would need the city to show the commitment, even if the money is not spent in this fiscal year.

**Action item:** Direct staff to add the \$200,000 for the Industrial Park engineering.

Mayor Burch reported that Councilor Rodriguez had sent comments as follows: he would support a vote on the water conservation plan ordinance prior to increasing rates, and he would like to see education for the public on the water conservation issues. He would support rate increases if absolutely necessary. Other project requests included \$25,000 for the radio control club, \$25,000 for interior lighting for the Artesia Center and \$50,000 for a pavilion in Guadalupe Park.

Community Development Director Jim McGuire reported that Navajo Refining may be interested in funding part of the lighting project on Eagle Draw.

Councilor Bratcher reported that a staff member at Navajo has an interest in getting Navajo to help fund the lighting on Eagle Draw and has challenged other corporations to help with the funding. Because of the potential for private funding for the lighting, Councilor Bratcher recommended waiting until mid-year to consider this project.

Councilor Youtsey recommended increasing the re-use lines in other parts of the city and recommended starting with funding for the engineering.

Councilor Madrid stated that he supported the lighting for Eagle Draw and would like to see the wiring get done and add the lights as we can.

Mr. Landfair stated that there is already \$175,000 in the budget as a carryover item to begin getting the power from 1<sup>st</sup> Street to Roselawn.

Councilor Aguilar requested \$175,000 for lighting at Guadalupe Park. He stated that he was pushing for solar lighting.

Mayor Burch stated that what has been budgeted last year and this year was to progress with lighting on Eagle Draw as part of the regular operational budget. This will allow the city to do a "test" project and make sure that we get enough lighting, without too much light.

Discussion took place regarding funding the hospital project. Councilor Madrid stated that it was a risk, but one worth taking, as we don't want that facility to become a haven for drug dealers.

Councilor Youtsey suggested that a community outreach center could be located in the hospital project, perhaps offices for the My Neighborhood project.

Mr. Hobson reported that if the \$1.3 million is added to this year's budget, the ending reserve number for the general fund would be \$13.7 million.

**Action item:**

Councilor Rogers moved to add \$1.3 million to the budget under capital projects for the hospital affordable housing project. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

Discussion took place regarding the status of the swimming pool project. Mayor Burch reported that the only reason he had drafted the MOU was that the schools had agreed to \$2.4 million for construction, if the private sector money is not forthcoming, the MOU would be invalid.

Further discussion indicated that until the private sector funds have been secured and a plan for operating the facility has been developed, that the MOU should be pulled from consideration.

Human Resource Director Bill Thalman reported that Carlsbad is paying for staff and operations through annual memberships by corporations.

Mayor Burch stated that he agreed with the discomfort regarding the swimming pool project at this time and would be willing to withdraw the MOU to the schools until all other funding is in place.

Councilor Rogers stated that the city could be hopeful that revenues will exceed our predictions, and if so, the pool could be revisited at midyear.

Mayor Burch reported that the Artesia Schools do not want any part of the operating costs for the swimming pool. In addition, there is no agreement on a location for the facility at this time.

**Action item:**

Councilor Rogers moved to redirect activities with the Artesia Schools regarding the swimming pool and ask them to work with the city to acquire the necessary private funding (minimum \$2.4 million) before addressing an MOU between the schools and the city. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

City Attorney John Caraway left the meeting at 3:00 pm

Mayor Burch declared a short recess at 3:00 p.m.

Council reconvened at 3:12 p.m.

**Annual Salary Survey**

Human Resources Director Bill Thalman reported that this year Eddy County and the City of Carlsbad made significant changes based on the labor pool in Eddy County, and as a result a number of our ranges will take significant jumps, with a major area of concern being infrastructure positions. Mr. Thalman noted that they are difficult to fill, with the current oil boom, and one of the changes would be to not require a CDL license for the Equipment Operator I position.

Mayor Burch stated that while the proposed changes would be a significant jump, but are still approximately \$5.00 per hour behind our nearest competition. If the city accepts the plan as presented, the increase to the budget will be a \$238,000 increase for this year.

Mayor Pro tem Hill stated that the proposed change would be a substantial increase (\$6,000 per year), and he is not very concerned with losing employees to the County or to Carlsbad.

Mr. Thalman reported that the benefits packages are comparable, in certain areas, Artesia has a better benefit, but in others, Eddy County or Carlsbad has the better benefit.

Discussion also took place regarding last year's recommendation to tighten up the evaluation process for the annual merit evaluations. Mr. Thalman reported that the average rating went from 4.14 to 3.72, and this year the anticipated average score will be 3.35, at a cost of approximately \$240,000 in merit raises.

Chief Hummingbird stated that he did not like the artificial cap to keep costs down. He stated that last year 19 entry level firefighters left Artesia for other departments and it was all based on salary.

Councilor Rogers stated that he didn't want to be a penny pincher when it came to the employee raises, but he did want to slow the accelerated rate as seen last year and questioned if Artesia was competitive with other municipalities.

Mr. Thalman reported that we typically outstripped other municipalities; many of their economies are not as robust as Artesia's. One of the options could be to require employees who get a major increase due to the salary survey, to forgo their next annual increase.

Mayor Burch stated that every department has a best and worst employee, but it is possible that a department's worst employee could be better than the best employee in other department. Last year, the goal was to be a little more selective on how we give out the best numbers. Since the midpoint of our ranges is at the 75<sup>th</sup> percentile, that is, 75% of the people doing the same job are being paid less than our employees, does that mean we are paying above average wages?

Chief Raley reported that in his department there are some "bumps" where an employee goes from uncertified to certified, for example, and receives a healthy increase. At this time, the employee also foregoes the annual increase that year and it has not caused problems, once it is explained to the employee.

Councilor Youtsey stated that the Personnel committee had met on this issue and while they had some concerns, they did believe that this action needed to be done.

Councilor Youtsey moved to accept the annual salary survey as presented. The motion was seconded by Councilor Bratcher.

Discussion also continued on whether the annual evaluation should include a minimum increase of 2.5% or if further direction is needed.

**Action item:**

After further discussion regarding the annual evaluation bottom rating of 2.5 and whether to leave the salaries at the 75<sup>th</sup> percentile, it was recommended that the matter be returned to Human Resources for further review, with a re-review by the Personnel committee prior to the council meeting.

Councilor Youtsey and Councilor Bratcher withdrew their motion and second.

**Discussion on DA Situation**

Chief Raley reported that Viola Rhodes was hired as a prosecutor for the city to handle municipal court and to represent the officers. She also added cases in magistrate court. Today, her case load in magistrate court is the same as the municipal case load and the city needs to determine the next step.

Mr. Thalman reported that in magistrate courts, the defense attorneys are requesting jury trials and if the city does not provide an attorney, the case is dismissed.

Chief Raley reported that this is important because the higher level crimes end up in magistrate court and without some help for Viola, there will be a gap in the prosecution of criminal activity. The current district attorney states that she doesn't have the staff to prosecute these crimes, but no other district attorney is making the same claim.

Judge Martinez stated that his court is willing to take on any additional cases, but his hands are tied on some issues. Currently they are using a company over the phone for translator services for any case that might involve jail time. Jesse Dominguez, the Court Bailiff does translate for code enforcement and animal citations.

Mr. Thalman stated that the city could choose to follow other municipalities and allow those mid-level cases to be dismissed, higher a part-time paralegal to continue to represent officers in magistrate court or to roll those duties into the city attorney contract.

Judge Martinez reported that the city's indigent attorney has given notice that he will be withdrawing from cases in October.

**Action item:**

Mayor Burch requested a recommendation from staff at the next meeting.

**Alleyways**

Mr. Landfair reported that he has received many complaints about alley clean ups, the call rate has increased, and he requested direction from Council.

**Action item:**

Mr. Landfair will review the Solid Waste department to see what services can be provided efficiently or if additional resources will be needed.

The meeting recessed at 4:55 p.m.

The meeting reconvened on July 27, 2014 at 8:00 am.

The following members present:

Councilor Jose Luis Aguilar	Councilor Bill Rogers
Councilor Kent Bratcher	Councilor Nora Sanchez
Mayor Pro tem Terry Hill	Councilor Jeff Youtsey
Councilor Manuel Madrid Jr.	
Municipal Judge Richard Martinez	

City Clerk Aubrey Hobson  
Human Resource Director Bill Thalman  
Chief Don Raley  
Fire Chief J.D. Hummingbird  
Community Development Director: Jim McGuire  
Infrastructure Director Byron Landfair  
Assistant City Clerk Lisa Johnston



Absent:

Councilor Raul Rodriguez

City Attorney John Caraway (left the meeting on 7-26-14 at 3:00 p.m.)

**Adopt 2014-2015 Budget Resolution**

Mr. Hobson reported that there were a couple of changes from yesterday's budget discussion, but that the ending reserve in general fund would be \$13.7 million.

Councilor Rogers moved to adopt the 2014-15 Budget, Resolution No. 1544. The motion was seconded by Councilor Bratcher. Councilor Aguilar moved to amend the motion to include the money for lighting at Guadalupe Park. The amendment died for lack of a second. Upon vote of the original motion, the motion passed.

**RESOLUTION NO.1544**

**End of Year (2013-2014) Budget Adjustment Resolution**

Councilor Rogers moved to adopt the 2013-14 year-end budget adjustment, Resolution No. 1545. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

**RESOLUTION NO.1545**

**ICIP**

Mr. Hobson reported that starting with the 2014 ICIP, the city has been submitting only one year of information, since things are changing so fast and that DFA has accepted that.

Last year's top five projects were the AMR Phase 2, City fiber optics expansion, Street maintenance projects, 2<sup>nd</sup> and Texas streetscape and Street main and utility main replacement.

Mayor Burch reported that the AMR is completed,

Mr. Thalman reported that there was no change in the fiber optics project. After discussion, it was determined that Mr. Thalman would contact PVT on whether they could link the city system to the wastewater plant.

Mr. Landfair stated that the two maintenance projects could be removed.

Mr. McGuire reviewed the remaining projects from the 2014-18 ICIP.

Mr. Quintana reminded the group that the competition for funding at the state is extremely competitive.

Councilor Aguilar recommended that the 2<sup>nd</sup> and Texas project should be a priority, since the city will be doing the city hall annex construction.

Councilor Youtsey recommended that the order of projects should be: 2<sup>nd</sup> and Texas, water well, fiber optics project, water rights and warehouse.

Mayor Burch recommended the order of projects be 2<sup>nd</sup> and Texas, water well, water rights, warehouse and fiber optics project.

Councilor Aguilar moved to set the priorities for the 2016 ICIP as:

2<sup>nd</sup> and Texas

Water well

Water rights

Warehouse

Fiber Optics

The motion was seconded by Councilor Rogers and upon vote, the motion passed.

### **Recycling Possibilities in Artesia**

Mr. Hobson reported that there was material in the retreat packet showing some of Carlsbad's recycling programs and the brochures they produce.

Mr. Landfair reported that we have a problem with placing recycling bins at WalMart/Kmart, as county residents tend to use them as trash receptacles. The Solid Waste department has ordered two of the green recycling bins (similar to what Roswell uses) that will be placed inside the gates at the transfer station, so that they can be monitored.

Mr. Hobson reported that Sylvia Schneider from the City of Carlsbad's recycling program could be invited for a council meeting.

Mayor Burch stated that he gets mixed signals from people – many say we should be recycling, but they are not interested in taking materials to the Transfer Station.

Councilor Rogers stated that the Solid Waste consultant mentioned that cardboard recycling could be effective, but the city would need to purchase a cardboard bailer and provide some cover for the bales out of the weather, until a truckload amount can be obtained and sold.

Mayor Burch declared a short recess at 9:05 a.m.

Council reconvened at 9:20 a.m.

### **Overview of Police Misconduct and Discipline**

Chief Raley made a presentation on some of the issues that will become hot topics for the 2015 legislative session: child abuse, excessive force, police training and citizen review boards. Many of the issues stem from events that happened at the Albuquerque Police Department.

Chief reported that law enforcement has made some mistakes. There is inconsistency in the training standards depending on where a recruit attends training, with the training time varying from 16 weeks to 26 weeks. Key positions, such as the Academy Director position have been left vacant for a period of time. Other changes have been a switch from the reactive control model to a more aggressive “warrior” mindset, and to base actions on what case law has found to be reasonable.

Some of the issues to be presented in the 2015 legislature will include:

- New measures for use of force
- Training for child abuse
- Crisis intervention training
- Require body cameras – makes it a misdemeanor to not turn camera on
- New measures for citizen review boards

The problem is that these mandates will not come with funds to implement them and may not be applicable to all departments. Chief Raley requested that the council advocate for the Police Department and help develop an understanding of what the department does when it’s not “shooting” someone.

New training requirements will require training at an academy and refresher – all cost money as well as overtime due to training.

For child abuse issues – there is a fundamental difference in the philosophy and conflict of goals and missions of law enforcement and Children Youth and Families Department (CYFD).

For mental health issues, much of the problem is a lack of facilities (beds) for people who should not be functioning on their own. Hospitals are allowed to turn the mental patients away and many end up in jail as a result. If mandated Critical Incident training is adopted, training locations should be set up in all sections of the state, not just in Santa Fe or Albuquerque. Even with training, officers will never be psychologists and while it may be nice to know the condition, it may not help an officer deal with the situation.

Mayor Burch stated that it will be important to get the other municipalities in Eddy County to express their concern to the legislators, to be able to present a united county front.

Mr. Quintana stated that capital outlay projects could be assembled to a treatment facility, but the severance tax monies could not be used to operate it and the legislators would have to find some general fund money for operation.

Councilor Sanchez stated that it would be important to get a treatment facility in our area because the family also needs treatment and travel costs can be prohibitive for families.

Mayor Burch reported that some of the regional hospitals are barely able to stay open, but if they were to close, the facilities could be available for a mental health facility.

Councilor Rogers stated that perhaps adding mental health “wings” could help these regional facilities stay open.

**Action item:**

Hubert Quintana offered time during the Mayors' Summit meeting in September, which will be held in Artesia, for Chief Raley to make this presentation and the COG will invite other law enforcement personnel as well as the area legislators to hear the presentation.

Mayor Burch declared a short recess at 11:02 a.m.  
Council reconvened at 11:15 a.m.

**Closing Remarks**

Hubert Quintana stated that he felt the Council had a very productive weekend, with some good decisions and good discussion on many topics.

Council and staff expressed their views on the weekend activities.

Mayor Burch stated that the Council accomplished a lot in the three days and thanked Hubert Quintana for acting as facilitator for the retreat.


**Location and Date of 2015 Retreat**

It was determined that the 2015 retreat should return to Cloudfcroft at approximately the same time next year.

There being no further business to come before the Council, the meeting adjourned at 11:33 a.m. on July 27, 2014.

  
Phillip S. Burch, Mayor

ATTEST:

  
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Aubrey Hobson, City Clerk